

STATE OF GEORGIA
RECORDS RETENTION SCHEDULE APPLICATION

Sheet: 1 of 2
Schedule #: 99-0027-02
Effective Date: March 10, 2000

(Agency use)

(Archives use)

Date: March 7, 2000

Date Received: March 7, 2000

Control No.: N/A

Agency Code: 0478-011

Control No.: 20000307-02

Applicant: Georgia Real Estate Commission/Appraisers Board

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Atlanta, Georgia 30303

Phone: 404-656-3916
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Creating Office: Georgia Real Estate Commission /Appraisers Board

Address: 229 Peachtree Street, Suite 1000
Atlanta, Georgia 30303

Phone: 404-656-3916
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Administrator: Charles Clark
Commissioner

Phone: 404-656-3916
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Application Type: Amend: X

Class: Individual

Series Title: Closed Hearing Files (Real Estate)

Dates of Series: FY94 - Ongoing

Access: Confidential (O.C.G.A. §43-40-27(d))

Function Documented: The Real Estate Commission regulates the issuance and re-issuance of licenses to real estate brokers, associate brokers and salespersons. It initiates investigations and audits on its own motion or upon sworn written request from the public; reviews misconduct; investigates alleged violations of state law or commission regulations; and takes disciplinary action against a variety of improper procedures or unfair trade practices. In addition to reporting violations to the attorney general for action to enjoin such practices, the Commission after a formal hearing, may sanction the license of a licensee or company by issuing an order to suspend, revoke, reprimand, fine, complete educational requirements, deny issuance of a license or a combination.

The Investigative Section investigates all sworn requests for investigations received and conducts routine office examinations for possible violations of the license law. Each case is disposed either by letter of notification from the Commission or through a hearing authorized by the Attorney General's office. An Investigative case which is closed due to a finding of no violation or insufficient evidence becomes a "closed investigative file". Each case that results in a sanction of a license becomes a "closed hearing file".

O.C.G.A. 43-40-1, 43-40-3, 43-40-6, 43-40-15, 43-40-25. The 1999 Georgia General Assembly authorized the Commission to adopt a paper management program for paper documents.

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Consists of: Consists of documents relating to resolving complaints by conducting hearings in connection with individuals or firms licensed by the Real Estate Commission. Included are investigative narrative (report); requests for investigation forms or audit reports; statement/affidavits from complainants, respondents and witnesses; copy of contracts, closing statements, deeds; photographs relating to subject's real estate transaction; bank statements/checks of firm's escrow account; computer printout of firm's/licensee's; and history.

Closed Office Examination Files, which were maintained separately until the end of FY98, will now be maintained in this series, or in the Closed Investigation Files series, whichever is applicable.

Media: Paper (8 1/2 X 11 and 8 1/2 X 14)

Arrangement: Alphabetical by last names

Indexed by: Computer-indexed by case number and/or by last name of respondent

Retention Requirement:

State Law or Regulation:

Federal Law or Regulation:

Audit Period:

Administrative Need: Forty (40) years

Administrative Need: Administrative need of maintaining records for 40 years. 43-40-15 allows the Commission to deny or revoke a license based on previous sanctions that may date back when first licensed. A licensee cannot obtain a license until age 21 and the average licensee remains in this business until about age 60. Thus, maintaining the records for a period of forty (40) years covers this age span.

Cut Off Event: At end of fiscal year

Total Retention: Forty (40) years


The above retention period is consistent with the requirements of the Georgia Records Act (O.C.G.A. 50-18-90 et seq.). We submit this retention schedule to the State Records Committee with the recommendation that it be approved for the named record series.

Authorized by


Charles Clark, Real Estate Commissioner


Date

Submitted by:


Jenny Tidwell, Records Management Officer


Date

The State Records Committee approves this recommended retention period for the named records series by the named creating office.

Signed:


Edward Weldon, Secretary of State Designee


Date

STATE OF GEORGIA
STORAGE REFERENCE AND DISPOSITION PLAN
RESOURCE IMPACT PROJECTION

Sheet: 1 of 1

Authorizing Schedule #:99-0027-02

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Control No.: N/A

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Series Title: Closed Hearing Files (Real Estate)

Current
Accumulation: Eight (8) legal size file drawers

Annual
Accumulation: Twelve (12) legal size file drawers

Reference
Activity: Two to four (2-4) times per year

Series
Inventory: Alphabetical by last name

Storage
Containers: Standard corrugated box 15 x 11-7/8 x 9-5/8

Special Storage
Conditions: Confidential (O.C.G.A. §43-40-27(d))

Proposed Disposition Instructions:

Cutoff records of series: At end of Fiscal Year

Maintain in the office for: One (1) year

Transfer to: State Records Center

Hold: Thirty-nine (39) years

Then: Destroy

The information provided above about the records is true and accurate. The proposed disposition instructions will efficiently protect the rights and interests of the creating agency, the State of Georgia, and the public.

Signed: _____

Charles Clark, Commissioner

Date

Submitted by: _____

Jenny Tidwell, Records Management Officer

Date

The Office of Secretary of State, Department of Archives and History agrees to provide storage and reference services for these records in accordance with this Storage and Disposition Plan. Changes in media, rate of accumulation, reference activity or required storage conditions may require renegotiation of the agreement.

Accepted by: _____

Edward Weldon, Secretary of State Designee

Date